Voting for less than the best

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Voting for Less than the Best*

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IS voting for a candidate with no realistic winning chances irresponsible? The question is often practically relevant. For example, in the 2016 Trump/Clinton election, Gary Johnson was the Libertarian Party candidate and Jill Stein ran for the Greens. Neither Johnson nor Stein had realistic winning chances; together they received only around 4 per cent of the vote. If just 70 per cent of those who voted for these third-party candidates had voted for Clinton, then she would have won.[1] In fact, according to some analysis, if only those who voted for Stein had voted for Clinton she would have won:

> The final totals revealed that, in fact, Stein's total voters exceeded [the] margin of victory. In other words, if every Stein voter had voted for Clinton instead, she could have won Pennsylvania, Michigan and Wisconsin and the presidency.[2]

The 2000 Bush/Gore election was, of course, even closer: only a small number of third-party voters in Florida could have flipped the election.

The rhetoric around voting for hopeless third-party candidates is often rather heated. In the 2016 election, Clinton supporters often argued that while Stein or Johnson might make a better president than Clinton, it was self-indulgent and morally irresponsible to vote for a candidate with no realistic chances. Stein and Johnson voters countered that they had a right to 'vote their conscience'. A more reflective Stein or Johnson voter might add that her vote almost certainly would not determine the outcome. If the idea of 'throwing your vote away' is cashed out in terms of failing to make a difference to the outcome, the objection rests on the false presupposition that one could have done that in any event. Moreover, the most convincing rationales for voting in massive elections *at all* seem to entail that one ought to vote for whomever one considers best.

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[1] <https://www.wsj.com>.
[2] <https://www.vox.com/policy-and-politics/2016/11/11/13576798/jill-stein-third-party-donald-trump-win>.

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For example, if the justification of voting derives from the vague idea that one ought to act as one would rationally be willing to see everyone act, then it is not hard to see why one ought to vote for hopeless candidates one deems best. After all, if *everyone* voted for that candidate, then that candidate would win, securing the best outcome (by one's own lights). Furthermore, it is plausible that everyone following the principle 'vote for whomever, after due research and deliberation, you deem best' would promote better consequences than everyone following principles allowing strategic voting (see below). If, on the other hand, the justification for voting in massive elections is, as many theorists have argued, to *express* your political values, then one also ought to vote for the candidate one deems best. Voting for a candidate you think is worse and disapprove of would be like cheering for a team you want to lose—insincere and pointless.[3]

Since appeals to universalizability and the rationality of voting as an expressive act are two of the leading justifications for voting in such elections, it seems that *if* you should vote at all in such massive elections, then you should vote for whomever you consider best, no matter how unlikely they are to win. Each step of this argument seems compelling, yet many find its conclusion highly implausible. There seems to be *something* to the worry about throwing your vote away.

Here we have the ingredients for a philosophical puzzle. Seemingly plausible premises lead to an intuitively problematic conclusion. Nor is this an arcane matter. Ordinary citizens *agonize* about whether they should vote for a candidate with no realistic chances. Passions run high, and people are often unclear about how even to frame the issue. Of course, it may turn out that we should just follow the preceding argument where it leads. Indeed, in one of the few sustained discussions of this issue, Paul Meehl argues that one ought to vote one's conscience in this sense, and that worries about 'throwing your vote away' are simply confused.[4] However, Meehl's discussion is by now dated. Since its publication in 1977, another powerful and rightly influential account of why one ought to vote has been developed: Alvin Goldman's 'Causal Responsibility' approach.[5] Goldman's is one of the dominant accounts, yet nobody has really asked, much less answered, the question of how this theory bears on the 'throwing your vote away' debate.

In this article, I argue that an account in the vicinity of Goldman's provides the best hope of vindicating something like the 'don't throw your vote away' intuition. As it happens, I agree with Carolina Sartorio that Goldman's own account relies

[3]Only typically pointless. You might cheer for a team you do not prefer to thereby express your disapproval of the way that others are booing them—out of racism, say. Whether this has a convincing analogue in the domain of voting for political candidates in huge elections is, however, at best unclear.

[4]Paul Meehl, 'The selfish voter paradox and the thrown-away vote argument', *American Political Science Review*, 71 (1977), 11–30.

[5]Alvin Goldman, 'Why citizens should vote: a causal responsibility approach', *Social Philosophy and Policy*, 16 (1999), 201–17.

on a problematic view of causation, but that Sartorio's friendly amendment to his approach nicely accommodates its insights without the problematic metaphysics.[6]

Finally, a caveat. In this article, I focus on voting systems in which the candidate with the largest number of votes wins—sometimes called 'plurality voting' systems. The puzzle may not arise in other kinds of elections, and some have argued that this is, in fact, a reason to prefer such alternative elections—for example, a so-called 'instant runoff' election.[7] Although I am sympathetic to this view, I shall not discuss it here, but instead focus on the still practical issue of how to think about voting if one finds oneself in a plurality-rule system, as many will for the foreseeable future.

I. MEEHL'S CHALLENGE

Our puzzle arises at the intersection of two debates. On the one hand, there is a debate about why one ought to vote in massive elections, like a US presidential election, *at all*. It would be an understatement to say that the chances that one vote would determine the outcome are minuscule. Nonetheless, people commonly characterize voting as obligatory. Slogans like 'Vote or Die!' and 'Rock the Vote!' have considerable currency. Some go so far as to claim that voting is a 'civic sacrament' and a citizen's 'highest obligation'.[8] On the other hand, there is a debate about whether one should vote for the candidate one deems best when they have no realistic winning chances. Some appeal to the intuitive idea that it cannot be morally wrong to 'vote one's conscience'. Others derisively suggest that voting for such candidates is 'throwing your vote away'. What is unfortunately rarely discussed is how these two debates are related. *Why* one ought to vote may have enormous implications for *how* one ought to vote. In his underappreciated, 'The Selfish Voter Paradox and the Thrown-Away Vote Argument', Paul Meehl sets out the following dilemma. In massive elections, either (a) one ought not to vote at all, because one's vote almost certainly will make no difference to the outcome, or (b) one ought to vote for whomever one (with adequate information and reflection) deems best for the office. Call this 'Meehl's challenge'.

The first horn is most easily understood against the backdrop of appeals to expected utility. Voting is typically not cost-free; it takes time and effort. I here put to one side those who take pleasure in voting for its own sake. Such cases are rare, and many of those who take pleasure in voting do so because they think they are doing something virtuous for some *additional* reason. Further, if the *only* reason to vote was that you enjoyed it, then it is unclear why you ought not to vote for whomever you deem best anyway.

The costs of voting are not entirely trivial. One must often take time off work or find childcare, wait in a queue, and so on. These costs must be weighed against

[6]Carolina Sartorio, 'How to be responsible for something without causing it', *Philosophical Perspectives*, 18 (2004), 315–36.

[7]See especially Daniel Wodak, 'The expressive case against plurality rule', *Journal of Political Philosophy*, 27 (2019), 363–87.

[8]Christine Pelosi, *Campaign Boot Camp 2.0* (San Francisco: Berret-Koehler, 2012), p. 126.

the benefits. Insofar as the benefits are understood in terms of influencing the outcome of the election, the obvious worry is that this is incredibly unlikely. A standard way of dealing with decisions made under uncertainty is to maximize expected utility. In moral contexts, this means aggregate utility rather than the utility of the agent. Expected utility theory and the relevant facts lead quickly to the conclusion that most people need not vote in massive elections.[9] A prospective voter must weigh the near certain and non-negligible costs of voting versus an infinitesimally small chance of determining the outcome.

Here it is important to recognize just how incredibly minuscule the chances of one's vote determining the election in a US presidential election are. In an analysis of the 2008 US presidential election, Andrew Gelman, Nate Silver, and Andrew Edlin concluded that the average American's chances of determining the outcome with her vote was around 1 in *60 million*. For those in swing states, the odds were better, but still extremely long—around 1 in *10 million*. For those in 'safe' states, where one candidate had a very comfortable lead, the odds were far worse—around 1 in *1 billion*.[10] Finally, even if one vote did initially make the difference, in the US presidential case any race that close would trigger a recount. The odds that the recount would come out exactly the same, with one vote *again* making the difference, would need to be factored into this equation. I am not sure how to calculate such odds, but I am also intuitively certain that they fall well short of 100 per cent.

Despite such breathtakingly long odds, some have argued that one ought to vote in massive elections on expected-utility grounds. Derek Parfit notes that although the odds are extremely long, the payoffs are also extremely large.[11] Granted, the stakes are very high in US presidential elections. Even so, it is hard to believe that the size of these stakes will typically provide a compelling rationale for voting in massive elections. First, one might argue that it is simply impractical for finite agents like ourselves to maximize expected utility where this includes taking into account such incredibly small probabilities. Many of our mundane decisions pose infinitesimally small risks of horrible outcomes. If we always had to take such incredibly unlikely outcomes into account, deliberation would

[9]This basic point is familiar. A classic discussion can be found in Anthony Downs, *An Economic Theory of Democracy* (New York: Harper and Row, 1957), ch. 14. See also Goldman, 'Why citizens should vote'; Geoffrey Brennan and Loren Lomasky, 'Large numbers, small costs: the uneasy foundation of democratic rule', Geoffrey Brennan and Loren Lomasky (eds), *Politics and Process: New Essays in Democratic Thought* (Cambridge: Cambridge University Press, 1993), pp. 42–59; Richard Tuck, *Free Riding* (Cambridge, MA: Harvard University Press, 2008); Geoffrey Brennan and Geoffrey Sayre-McCord, 'Voting and causal responsibility', D. Sobel (ed.), *Oxford Studies in Political Philosophy* (Oxford: Oxford University Press, 2015), ch. 2. For a recent attempt to justify voting in terms of expected utility, see Zach Barnett, 'Why you should vote to change the outcome', *Philosophy and Public Affairs,* forthcoming.

[10]Andrew Gelman, Nate Silver, and Andrew Edlin, 'What is the probability that your vote will make a difference?', NBER working paper 15220 (2009), <http://www.nber.org/papers/w15220>. The correct method for determining these odds is, however, controversial. For a different view and discussion of the issues involved, see Barnett, 'Why you should vote to change the outcome'.

[11]Derek Parfit, *Reasons and Persons* (Oxford: Oxford University Press, 1984), pp. 73–5.

become impossible. This does not mean some form of expected utility theory cannot play a role as a normative theory of decision-making. Rather, it means that this role must be somehow restricted.[12] Citizens may therefore legitimately ignore the tiny chance that their vote will determine the outcome.

Second, even assuming an entirely unrestricted expected utility theory, the rationale for voting in massive elections is dubious. Arguments to the contrary tend implicitly to assume that the costs of voting are negligibly small. If we focus *simply* on voting itself, then for many this may be true, though for some these costs are significant: for example, the poor and those living overseas. Unfortunately, in the 2020 US election many people had to wait in long queues to vote, and this may not be the last time this happens. More importantly, though, it is a mistake to assume that the relevant costs are exhausted by the costs of voting itself. Plausibly, any moral obligation to vote is an obligation to vote *responsibly,* where this involves being suitably well informed and reflective. Someone who votes, but without having done any homework on the candidates or reflected on their pros and cons, is hardly thereby doing their civic duty. The costs of becoming well informed and reflecting adequately are not trivial, particularly in elections with several candidates. In the case of a US presidential election, the issues arising are numerous and heterogeneous, yet each can be monumentally important. Moreover, voters must work out not only whose policy proposals are best in each case, but also the relative importance of those policies. The candidates' track record, moral character, likely alliances in Congress, and political skills are also relevant.[13]

Obviously more could be said, but it seems reasonable to presume that the costs of *responsibly* voting in a typical US presidential election are not small. Given that these costs are effectively *certain* if one votes responsibly, the expected utility calculation seems unlikely to support responsibly voting. In that case, we are not simply weighing the small or nearly negligible costs of just going to the polls versus an infinitesimal chance of an extremely good outcome. Instead, we must weigh the near certainty of the substantial costs associated with voting responsibly against a vanishingly small chance of making the critical difference. This seems unlikely to make a compelling case for voting, much less a case so strong that we should agree that voting is a sacred duty.

It is therefore no surprise that theorists have developed *other* accounts of our reasons to vote in such elections. Here we come to the second horn of Meehl's dilemma, for these theories typically entail that one ought to vote for whichever candidate one deems best, *no matter their chances*. This is perhaps clearest in the case of rationales which appeal in some way to the common-sense moral ideal encapsulated in the rhetorical question, 'what if everyone acted like that?'.

[12]For a more in-depth defence of this kind of view, see Nicholas Rescher, *Risk* (Lanham: Rowman and Littlefield, 1983). See also the literature on 'bounded rationality' and 'satisficing'.

[13]See also Jason Brennan, *The Ethics of Voting* (Princeton: Princeton University Press, 2011) for further discussion.

Anecdotally, many voters appeal to some such moral ideal when pressed. This somewhat inchoate common-sense moral appeal to universalization (or generalization) can be made precise in multiple ways, and I obviously cannot survey all the relevant logical space here.[14] Instead I briefly explain why any theory in this general area likely entails that one ought to vote for whomever one deems best.

Rule-utilitarianism provides one of the most plausible ways of turning this common-sense idea into a more precise theory. Rule-utilitarians can argue that one ought to vote, even though one's vote will almost certainly not change the outcome, because one ought to follow rules whose general acceptance would maximize aggregate utility.[15] Plausibly, one such rule would be that one should do one's homework and vote in elections, since otherwise democracy cannot function properly. However, the same reasoning suggests that one ought to vote for whomever one deems the best. A rule requiring citizens to vote for the best would tap into the arguments from 'deliberative democracy', according to which (roughly) democracy leads to good government because we pool our *judgements* as to what is best.[16] This would also avoid two dominant parties preventing the emergence of valid alternatives simply because citizens are afraid of 'throwing their vote away'. Obviously more could be said here. One issue is whether rule-utilitarianism might warrant conditional rules for dealing with cases in which it is clear that certain candidates have no realistic chance of victory.[17] Even so, it is not hard to see how a rule-utilitarian answer of this sort to the 'why vote?' challenge might favour voting for candidates with no realistic winning chances.

Kantian ethics offers a very different use of the concept of universalization. For the Kantian, the question is *not* whether everyone's acting in a certain way (or internalizing certain norms) would be desirable. The question is whether an agent's maxim in performing the action is one she could at the same time *consistently* will as a universal law—on the first formulation of the Categorical Imperative, anyway. Unfortunately, there is not much literature on how the universal law formulation applies to decisions about how to vote (at least, not much I could find!). Insofar as the categorical imperative generates a duty to vote, it presumably generates a duty to vote for the best candidate. A maxim of voting for the best candidate (by one's own lights) can obviously be willed without any sort of contradiction—at least, if there is some looming contradiction, then I cannot see what it would be or how it would be derived. This is already enough to entail that it is at least *permissible* to vote for whomever one deems the best

[14]For a useful survey, see Marcus Singer, *Generalization in Ethics* (New York: Atheneum, 1971).

[15]John Harsanyi makes precisely this argument in his classic 'Rule utilitarianism, rights, obligations and the theory of rational behavior', *Theory and Decision,* 12 (1980), 115–33.

[16]Cf. Amy Gutman and Dennis Thompson, *Why Deliberative Democracy?* (Princeton: Princeton University Press, 2004).

[17]A thorough discussion of this complex issue would also require some discussion of Donald Regan's 'cooperative utilitarianism'; see Donald Regan, *Utilitarianism and Cooperation* (New York: Oxford University Press, 1980).

candidate. This would stymie those who argue that it is morally irresponsible to vote for hopeless candidates.

In fact, the Kantian framework may entail a duty to vote for whomever one deems best. One question is whether a maxim like 'I shall vote for the candidate I deem best unless that candidate has no realistic chance of winning' can without contradiction at the same time be willed as a universal law. Suppose everyone adopts this maxim. In that case, how does any individual know how to vote? Whether I should vote for A, whom I deem best, will depend in part on how everyone else will vote. But the facts about how everyone else will vote are not fixed independently of how I will vote. Since others have, given universalization, adopted the same maxim, they cannot yet determine for whom they shall vote either. Therefore, I cannot vote without knowing how others will vote, but (given universalization) how others will vote depends (in part) on how I will vote. Each voter will thus be stuck, unable to decide how to vote. Willing such a maxim and at the same time willing it as a universal law would thus be self-stultifying. The universalization of the maxim would pragmatically contradict the original maxim, preventing you from achieving your end of voting. The impermissibility of this maxim, in turn, arguably generates a duty to vote for the candidate one deems best if one votes at all. How the Kantian then argues that we have a duty to vote at all is a further question I will not address here. A lot more would need to be said about this derivation of a duty to vote for the best to make it convincing, but it would be too much of a tangent to develop a full Kantian theory of voting here.[18] In any event, the Kantian framework *at least* vindicates the *permissibility* of voting for politically hopeless candidates, since there is no contradiction in willing that maxim as universal. It *may* entail a duty to vote for whomever one considers best.

What about so-called 'expressive' theories? On these theories, one should vote to *express* one's values or preferences. Geoff Brennan and Loren Lomasky compare voting with sending a get-well card to a friend or cheering for a team.[19] The example of cheering at a sporting event is apt, since it possible that the *aggregate* of fans cheering could influence the performance of the players in some way, even though any individual fan's cheering would not. The analogy with voting in a massive election should be clear. In both cases, it is plausible that one acts simply to express one's values or preferences rather than to determine who wins. The expressive theory is not unproblematic. For a start, voting is typically done in the privacy of the voting booth and sometimes one is banned from sharing a photo or other documentation of how one voted. This does not make voting seem like an especially 'expressive' act.[20] Richard Tuck makes the further

[18]At a minimum, a thoroughgoing discussion of how to apply Kant's theory would require investigating how the other formulations of the categorical imperative apply here.

[19]Brennan and Lomasky, 'Large numbers, small costs', p. 49.

[20]Granted, some sports fans cheer in the privacy of their home. If this is the right model for the expressive theory, then 'express' cannot plausibly be understood in terms of *communication*, but as *venting*.

point that the expressive rationale is parasitic on the idea that one's vote influences the outcome:

> even if the act of voting does express something like civic allegiance, it does so precisely because it is widely thought to have some civic *point*, that is to have some instrumental or causal relationship to the choice of a candidate.[21]

Fortunately, I do not here need to assess the tenability of the expressive theory. The relevant point is simpler. Insofar as one's voting is justified in terms of expressing your values and preferences, then *obviously* you should vote for whomever you take to be the best candidate. To vote for a candidate you deem inferior is like cheering for a team you want to lose.

Yet another account of our reasons to vote is Alexander Guerrero's 'Manifest Normative Mandate' (MNM) account.[22] I lack the space here to do justice to Guerrero's theory, but the basic idea is that you should vote to increase the moral authority or 'manifest normative mandate' that your preferred candidate has for acting as a trustee (rather than as a delegate), where a delegate ought to be guided more by what a majority of their constituents want, but a trustee should be more guided by their own judgement of what is best for their constituents, even when this contradicts what a majority of them want. It would be too much of a tangent to explain why Guerrero thinks we should often prefer to elect candidates as trustees rather than as delegates, but assuming we should, he thinks we should want those candidates, if elected, to have a solid moral justification for acting as trustees. Here he argues that their having such a justification varies directly with their manifest normative mandate (MNM), which itself varies directly with how many votes they garnered. By voting, you increase the MNM, if only a tiny bit, of your preferred candidate, and *that* provides you with a reason to vote.

There are many objections one could raise to this approach (several discussed by Guerrero in his article), but the issue here is what implications the theory has when it comes to voting for unrealistic candidates. Fortunately, in this case, we do not have to speculate; Guerrero explains the implications of his view. We should typically vote for whomever we deem best, even if they have no hope of winning:

> Shouldn't an individual vote for the least bad 'viable' candidate? The normative mandate account suggests that there is in fact a significant reason against doing so. For similar reasons that one ought to want candidates one supports to govern like trustees, one ought to want candidates whom one does *not* support to govern like delegates. In saying this, I am assuming that representatives respond to their MNM in the way I have argued is morally appropriate. If this is not the case, there may be other considerations that tell in favor of voting for the candidate who one thinks is less bad. These considerations, however, must take into account the fact that it is incredibly unlikely that one's vote will make a difference to who wins the election.

[21]Tuck, *Free Riding*, pp. 33–4.

[22]Alexander Guerrero, 'The paradox of voting and the ethics of political representation', *Philosophy and Public Affairs*, 38 (2010), 272–306.

> And one such consideration cannot be that by voting for the lesser of two evils, one 'weakens' the MNM of the greater evil. One 'weakens' the MNM of the worse candidate by whatever one does as long as one does not vote for that candidate. And there is at least this consideration against voting for the less evil candidate: doing so strengthens the MNM of a candidate—by one additional vote—who you believe is unworthy of this support.[23]

So once again, we have a theory of why one should vote which cannot vindicate the worry that one should not 'throw one's vote away'.

By now, it should be clear why Meehl's challenge is powerful. However, Meehl's article was written before Alvin Goldman developed his causal responsibility account of why one ought to vote. It turns out that this theory has more resources to vindicate the thought that one ought not 'throw one's vote away'. Whether the theory ultimately can justify this view depends on subtle questions about how praiseworthiness and blameworthiness 'trickle down' from groups to their members, or so I shall argue. First, I must simply lay out the theory.

II. THE CAUSAL RESPONSIBILITY APPROACH

The basic ideas of Goldman's 'causal responsibility approach' are straightforward:

1. Non-swing voters in a massive election make causal contributions. Although it is not true that if they had not voted as they did that the outcome would have differed, their vote still has a causal influence.
2. Voting for a candidate means you make a greater causal contribution to his or her election than abstaining, while voting for an opponent would make a causal contribution with the opposite valence.
3. If someone plays this sort of causal role for the right reason then, ceteris paribus, they are apt for praise or blame depending on how they voted and the outcome.
4. That you would be praiseworthy is a good reason for acting; that you would otherwise be blameworthy is also a good reason for acting.

Goldman argues for each of these theses. I cannot do justice to his discussion here, but one example he uses to motivate (1) is a firing squad. It may be true of each member of the firing squad that if he had not fired the target would still have been killed. It seems perverse to infer from this that no member of the firing squad is causally responsible for the target's death. Once we accept (1), (2) is very plausible. It is intuitively plausible that if you knowingly choose to play a causal role in bringing about a good outcome, you are thereby to some extent praiseworthy, whereas if you knowingly play a causal role in bringing about a bad outcome, you are to some extent blameworthy. The firing squad example again makes the point nicely. We do not think each member of an unjust firing squad is exculpated because no one of their actions was necessary for the victim's

[23]Ibid., p. 301.

death. Finally, it is at least somewhat plausible that we have reason to avoid blameworthiness and seek praiseworthiness.

Goldman draws on these ideas to develop a dominance argument. Suppose you abstain and the better candidate wins. In that case, you missed an opportunity to do something praiseworthy by voting for the winner. Suppose instead that you abstain and the better candidate loses. In that case, you are blameworthy, according to Goldman. Here things are trickier, though; Goldman does not think that abstaining is a cause of anyone's victory. He defends a 'vectoral model' in which the causes of the winner's victory are the votes he receives. However, on Goldman's view, an abstention by someone who was eligible to vote does still open one up to a charge of 'causal responsibility', in that the agent had an option which could have been a countervailing casual factor.[24]

Goldman's account has several attractions. First, it does not rely on the delusional idea that voting in massive elections is likely enough to determine the outcome to justify voting in terms of expected utility. Second, unlike rule-utilitarian and Kantian accounts of why one ought to vote, Goldman's theory is neutral between a wide range of first-order moral theories. Third, the account resonates with the actual moral psychology of voters. Voters often seem to value being part of something both valuable and 'bigger than themselves'. Politicians play on this, encouraging voters to be 'part of the change', and so on.[25]

At the same time, Goldman's theory is open to several objections. One objection I mostly put to one side here is that there is something narcissistic about voting to be praiseworthy or avoid blameworthiness. Someone who is kind to others not out of empathy, but to be praiseworthy, seems to be doing the right thing for the wrong reason. I cannot do justice to this objection here, but it is certainly not obviously decisive. On some accounts, wrongness just *is* blameworthiness, and it is not obviously problematic to be motivated by a desire to avoid acting wrongly.[26] It is also not obvious that on an account like Goldman's the agent's reason must be that acting otherwise would make her blameworthy. Perhaps the reason could be 'that I thereby avoid complicity with evil' or something along those lines.

Another objection is that Goldman's argument relies on a problematic view of causation. This point was made effectively by Carolina Sartorio.[27] Oversimplifying, Sartorio argues that Goldman commits the fallacy of division—inferring that some proper part has some property because the whole of which it is a part has it. This inference is not generally valid. The property of weighing more than five pounds is a clear counter-example. Sartorio's suggestion is that the property of causing some event is relevantly like weighing more than five pounds, and that this vitiates Goldman's account. The fact that some group of voters together

[24]Goldman, 'Why citizens should vote', p. 211.

[25]E.g. Andy Burnham (UK Labour) used the slogan 'Be Part of the Change'; <https://www.theguardian.com/politics/2015/aug/31/andy-burnham-makes-a-pitch-for-labours-leftwing-vote>.

[26]John Stuart Mill, *Utilitarianism* (Oxford: Oxford University Press, 1998), ch. 5.

[27]Sartorio, 'How to be responsible for something without causing it'.

brought about some outcome by acting in a certain way together does not entail that any individual was thereby a cause of the outcome. One nice example Sartorio uses is someone's failing to clap causing someone to think she was rude. Failing to clap is partly constituted by not moving one's left hand a certain way and partly constituted by one's not moving one's right hand a certain way. The person's failure to move both their left and right hand together simultaneously in the right way causes the other person to think they are rude, but it would be a mistake to infer that the mere failure to move the left hand in the relevant way was a cause of the belief that the person was rude. Insofar as we treat joint actions involving multiple agents on a par with the proper parts of actions of individual agents, this undermines Goldman's account.

I have not done anything like full justice to Sartorio's argument. She also uses ingenious examples to argue that Goldman's approach absurdly implies that virtually any omission is a cause of virtually any outcome it temporally precedes. Sartorio also offers a positive theory which preserves what is insightful about Goldman's approach without its tendentious view of causation. Causation is still relevant on Sartorio's view, but an agent can be responsible for an outcome without her action having been among its causes. Rather, the agent must be at least partly morally responsible for something which caused the outcome. As she puts it, causation is the vehicle of transmission of responsibility. Although she does not entirely spell this out explicitly, the idea seems to be that when an agent's action (or omission) is a proper part of some joint action (or omission), and where certain other conditions are met (for example, the agent knows that her action will partly constitute this joint action/omission and could have done otherwise), the agent is thereby partly morally responsible for the relevant joint action/omission. We do not have to suppose that the agent *caused* that joint action, though; it is enough that she *knowingly partly constituted it*.

Sartorio suggests that this view can accommodate our intuitions in the examples Goldman used to motivate his own approach. For example, it can explain why someone who is a member of a firing squad and who unjustly shoots someone is thereby blameworthy. Such a person is partly responsible for a joint action which causes the victim's death, and the other conditions are met, so the person is blameworthy. For the same sorts of reasons, her account can also explain why people have reason to vote in massive elections. In voting for the best candidate, one's action partly constitutes a joint action which causes something good if that candidate wins, and one is thereby praiseworthy—assuming the other conditions are met. In abstaining when enough people abstained who would have voted for the better candidate if they had voted, one's omission partly constitutes a collective omission—we, the abstainers, together didn't bother to vote. This collective omission plausibly was a cause of the worse candidate winning, so one is thereby blameworthy, again assuming the other needed conditions are met. We have a dominance argument for voting with the same structure as Goldman's

argument. Voting insulates us from blame if the worse candidate wins and makes us praiseworthy if the better candidate wins.

III. INTRODUCING DIVISIBILITY AND PROPORTIONALITY

With Sartorio's account in view, we can now return to elections in which the candidate a given voter deems best, after due research and reflection, has no realistic chance of winning. To simplify, I stipulate that we have a massive election between three candidates: Horrible, Acceptable, and Great. Our hypothetical voter, Ken,[28] has decided on reflection that Horrible's election would be disastrous, Acceptable's election would be mediocre, while Great's election would be fantastic. However, while both Horrible and Acceptable have decent chances of winning the election, Great has no realistic winning chances, given the polls. I stipulate that Great's levels of support are comparable to Jill Stein's level of support in the 2016 presidential election—between 1 and 2 per cent of likely voters. Ken has read Goldman and Sartorio, and is convinced by the latter's rationale for voting. How should Ken vote?

I initially make the idealizing assumption that no eligible voter abstains. I also initially assume that all voters vote for one of the three candidates on the ballot—that the system does not allow write-ins. Finally, I initially make the idealizing assumption that those who vote for Acceptable because they think Acceptable is actually the best candidate are culpable for their incorrect ranking of the candidates; I assume they should know better. I relax these idealizing assumptions later.

Consider the following hypothetical dialogue:

> *Hillary*: Ken, I have a bone to pick with you. I understand you are voting for Great. You know Great has no chance of winning; why would you throw your vote away?
>
> *Ken*: Well, my vote won't make the crucial difference in any event; millions of people are voting! So if the idea is that by voting for a major party candidate, I would not throw my vote away, that I'd therefore be more likely to 'make a difference', then the chances of that are so low as to be irrelevant. Anyway, I am tempted to vote for Great because in the unlikely event that Great wins, then I will have helped her win, and helping to cause something good is praiseworthy. Have you read this article by Sartorio?
>
> *Hillary*: Yes, yes, but that isn't much of a reason, since the odds of Great winning are incredibly slim.
>
> *Ken*: It is a long shot, I agree, but it isn't just about who wins this election. It is also important to *send a message* to the mainstream parties that their values are out of synch with lots of voters. If enough of us vote for Great, then that should be a

[28]So named as a homage to the legendary swing voter Ken Bone, in the 2016 US presidential election; <https://www.edition.cnn.com/interactive/2017/politics/state/ken-bone-undecided-voter-donald-trump/>.

wake-up call, and should in the longer term move politics in this country in a good direction. If I am part of the group that 'sends that message', then I will to some extent be praiseworthy for *that* too, given Sartorio's account. Enough of us voting to send a message *isn't* such a long shot. If that happens, then I'll be partly responsible for the joint action (our voting for Great) which sends that very important message and thus praiseworthy.

Hillary: OK; that is a better reason. But you have to look at the reasons on both sides of the ledger—what if Horrible wins? If you vote for Great and then Horrible wins, you will be partially responsible for Horrible's victory. After all, the race between Horrible and Acceptable is very close, and if all those planning to vote for Great were to vote for Acceptable, then Acceptable would win and Horrible would lose. By the logic of Sartorio's argument, you'd be partly responsible for a joint action (our voting for Great) which caused something horrible, and you'd be blameworthy for that. If all the Great voters were to vote for Acceptable, then Acceptable would win and Horrible would lose; the decision to not vote for Acceptable is therefore unacceptable! The stakes are too high for you to vote for Great to send a message; you risk being blameworthy for something worse than politics as usual.

Jill: Sorry, Hillary, that argument just doesn't work. You can use *exactly* the same form of argument to show that those who vote for Acceptable will be blameworthy for Horrible's victory if he wins. After all, if *all* those who voted for Acceptable had voted for Great, then Great would have won too! That pool of voters would provide a majority regardless of whether it is a majority for Acceptable or for Great. So if you vote for Acceptable, you are partly responsible for a joint action (our voting for Acceptable rather than Great) which also predictably leads to Horrible's victory. You see an asymmetry here where in fact the actions are on a par. So, go ahead, Ken, vote for Great and send that signal!

Hillary: Hmm. There is something fishy about that, Jill, but I am not sure what. It sure *seems* like Great voters would be more blameworthy for a Horrible victory than Acceptable voters would be. However, I can't see *why* this should be true, since if either group of voters all voted for the other candidate, then that candidate would defeat Horrible.

Jill: In fact, the case for voting for Great is even stronger. If you vote for Acceptable and Acceptable *wins*, you are still not off the hook morally. For in that case, you are still at least partly responsible for a joint action (our voting for Acceptable) which non-accidentally led to Great's defeat and Great is, by hypothesis, better than Acceptable. If all those Acceptable voters had voted for Great, then Great would have won. So not only does Hillary's argument for voting for Acceptable not work, you (Ken) have left out another reason to vote for Great—you thereby insulate yourself from blameworthiness for Great's defeat. If you vote for Acceptable and Acceptable wins, you are thereby partly blameworthy for Great's defeat. So, on any of the three possible outcomes, you should vote for Great!

Ken: I'm more confused than ever now!

Given this dialogue, it *seems* we still cannot meet Meehl's challenge, even given a Sartorio/Goldman-style theory. In fact, matters are more complicated. Hillary's intuition that Great voters would be *more* culpable for a Horrible victory than Acceptable voters can be vindicated within the causal responsibility framework *if,* but only if, we assume joint moral responsibility is in a sense *divisible*. Plausibly, moral responsibility is a scalar notion—it comes in degrees. The USA is more responsible for climate change than Ghana. George Bush is more responsible for the war in Iraq than Tony Blair. If responsibility comes in degrees, though, *how* responsible is an individual voter for an outcome she only partly caused (on Goldman's view) or for which she is responsible only in virtue of being one small part of a large group who together caused that outcome (on Sartorio's view)? Sartorio does not discuss this question, and Goldman mentions it only to put it to one side:

> How is moral credit to be divided when there are more than enough contributors to a socially valuable outcome? It would be nice to have answers to these further questions, but I do not have them.[29]

To be fair, this is not a problem for Goldman or Sartorio, given their aim of simply providing a rationale for voting *at all*. For present purposes, though, this question is of paramount importance. Hillary's intuition is that Great voters would somehow be *more* responsible for a Horrible victory if Horrible won than Acceptable voters would be. This is a very natural intuition to have. Indeed, I suspect that something like it is at the heart of the 'throw your vote away' intuition. It turns out that on one prima facie plausible way of thinking about how moral responsibility is transmitted from groups to their members, Hillary's intuition is potentially sound, but on another prima facie plausible way of thinking about that transmission, the intuition is not sound.

Here are two views one might take about the transmission of moral responsibility of groups to their members:

> *Indivisible*. All else being equal, when a group of people act together to bring about some outcome, such that the members of that group are thereby morally responsible for that outcome, each member is *fully* responsible for the outcome.

> *Divisible*. All else being equal, when a group of people act together to bring about some outcome, such that the members of that group are thereby morally responsible for that outcome, each member is only *partly* responsible for that outcome.

Those who accept Divisible will probably also find the following corollary plausible:

[29]Goldman, 'Why citizens should vote', p. 214.

> *Proportional*. When a group of people act together to bring about some outcome, such that the members of that group are thereby morally responsible for that outcome, each member's moral responsibility is, all else being equal, *proportional* to her contribution to the outcome.

Given Proportional, someone who not only votes for a candidate, but also makes large campaign donations and convinces many others to vote will typically bear more moral responsibility for the outcome in question than someone who merely votes for that candidate. To further simplify matters, I am putting to one side these other ways in which one might promote a given candidate's victory.

If Indivisible is correct, then the dominance argument Jill made in my dialogue above for voting for Great goes through, and Meehl's challenge remains unmet. In that case, there is simply no justification for the idea that Great voters are more culpable for Horrible's victory than Acceptable voters are. Since both groups could have acted differently, with Acceptable voters all switching to Great and vice versa for Great voters, both groups are responsible for not preventing Horrible's victory. Insofar as responsibility is indivisible, as Indivisible asserts, the members of each group are thereby fully responsible for that outcome—and hence are all *equally* responsible for it. Since the only hope for vindicating the 'don't throw your vote away' intuition was to find some basis for the idea that Great voters are more responsible for Horrible's victory (if Horrible wins) than Acceptable voters, the intuition seems hopeless if we accept Indivisible.

Things are more interesting if we accept Divisible and Proportional. Here we need to be careful, though, and distinguish two different objects of responsibility. On the one hand, it is plausible that if Horrible wins, then Horrible voters are responsible for directly and *deliberately bringing about* that victory. On the other hand, it is plausible that Great and Acceptable voters are *not* responsible for this, as they tried to elect someone else. Rather, they are responsible for *not preventing* the Horrible voters from electing Horrible. This is an important distinction. It helps explain why we think Horrible voters are more blameworthy than either Great voters or Acceptable voters. It is not, as Goldman's discussion indicates, that Horrible supporters play a larger causal role in bringing about that outcome—at least, it is not primarily that, though that might also matter. Rather, it is that it is in general worse to deliberately bring about some outcome than it is to fail to prevent someone else from bringing about that outcome at some cost to oneself. Murderers are more culpable than bystanders who could, at some risk, have prevented their murders.

The crucial question is whether, given Divisible and Proportional, Great voters are more culpable for not preventing Horrible voters from electing Horrible than Acceptable voters. We can concede to Jill that both groups are responsible, since if all the members of either group had supported the other candidate then, by hypothesis, that candidate would have had a majority and defeated Horrible.

However, given Divisible and Proportional, it does *not* follow that the members of those groups are *equally* culpable. Here it helps to supply some numbers.

Suppose the vote turned out like this, and that something roughly like this was predictable in advance, given polls, and so on:

Horrible: 10 million votes

Great: 2 million votes

Acceptable: 9 million votes

Great voters could have all voted for Acceptable, and then Acceptable would have won. They are, to that extent, culpable for Horrible's victory. How culpable is any one Great voter? Since there were 2 million Great voters, the simplest answer would seem to be that each of them bears one 2-millionth of the culpability for their not preventing Horrible's victory. Of course, it was only necessary for just over 1 million of the Great Voters to switch to Acceptable, so one could argue that each Great voter bears (just over) one 1-millionth of the culpability for not preventing Horrible's victory. I prefer the first form of moral accounting, but fortunately which of these views we take will not matter for present purposes. The upshot is that a given Great voter bears either one 2-millionth or just over one 1-millionth of the culpability for their joint failure to prevent Horrible's victory when they (together) could have prevented it.

Now compare this with the accountability of an individual Acceptable Voter. By the same logic, each Acceptable voter bears either one 9-millionth of the responsibility for their failing to prevent Horrible's victory or just over one 8-millionth of the culpability for their failing to prevent Horrible's victory. Note that these are shares of accountability for a *different* joint action (our supporting Great versus our supporting Acceptable), so there is no double-counting here. In effect, there were two groups, each of which could have, with the help of the other group, prevented Horrible's victory. Structurally, the case is analogous to one in which two individuals could have prevented some fiend from committing a crime—instead of two individuals, we have two groups.

By now it is perhaps clear where I am going with this. One 2-millionth and [just over] one 1-millionth are both greater—indeed, much greater—than one 9-millionth or just over one 8-millionth. The upshot is that Great voters are about eight or nine times more culpable for Horrible's victory than Acceptable voters. This, though, was precisely the intuition needing vindication, and just the sort of difference we need to make sense of the 'don't throw your vote away' intuition. To be clear, even if all of this is conceded, it is not obvious that Great voters have acted wrongly. After all, the reasons mentioned above are still reasons for voting for Great—the tiny chance of being partially praiseworthy for a Great victory, the

much better chance of being partially praiseworthy for 'sending a message', and avoiding blameworthiness for Great's defeat are all still reasons to be weighed.

If, however, the gap between Horrible and Acceptable is much greater than the gap between Acceptable and Great, then these reasons may well be outweighed by the risk of being (eight to nine times) *more* culpable for Horrible's victory than they would be if they had voted for Acceptable. The overall balance of reasons will also presumably depend on how likely it is that Horrible will win. If the chances of a Horrible victory are extremely low, then the risk of much greater culpability for his victory is also low, which would diminish the force of the case for voting for Acceptable. This, though, is a welcome result. The lower the risk of a Horrible victory, the more intuitively plausible it is that it is permissible to vote for Great. Clinton supporters, for example, would have probably been less passionate about progressives not 'throwing their votes away' on the Green Party if they were virtually certain Trump would lose anyway.

I now relax the idealizing assumption that none of the eligible voters abstains. Suppose that many voters abstain and the numbers come out as follows:

Horrible: 10 million votes

Great: 2 million votes

Acceptable: 9 million votes

Abstained: 14 million

How does the Sartorio approach apply here? Again, we should put to one side those who voted for Horrible, as they are responsible for something worse than any of the other voters—deliberately electing Horrible. By contrast, the remaining voters are, at most, responsible for the lesser moral offence of not preventing the Horrible voters from electing Horrible. How, though, do we apportion their responsibility in this case (once again assuming Divisible and Proportional)?

There are 25 million voters who did not vote for Horrible. Only 2 million voted for Great. If just over 8 million of the remaining voters had voted for Great, and the rest did not vote for Horrible, then Great would have won. However, there is no particular proper subset of the remaining voters who are especially responsible for not preventing Horrible's victory by electing Great. It would be arbitrary to select just over 8 million of the remaining 23 million voters and insist that *they*, but not the other 15 million, are responsible for not electing Great. To avoid such arbitrary distinctions, we should instead hold all 23 million responsible. Given Proportional, that means each member of that group bears one 23-millionth of the culpability for not electing Great. By parity of reasoning, the 16 million voters who did not vote for Horrible, but also did not vote for Acceptable either, each bear one 16-millionth of the responsibility for not preventing Horrible's victory

by electing Acceptable. Since one 16-millionth is greater than one 23-millionth, those who voted for Great are more culpable for failing to prevent Horrible's victory than those who voted for Acceptable. Including those who abstained makes things more complicated, but the same form of argument still works.

One nice feature of this analysis is that those who abstain are *more* culpable than those who voted for Great *and* those who voted for Acceptable. For those who abstained bear some culpability for *both* the non-election of Great and the non-election of Acceptable. Whereas those who voted for at least one of those two candidates avoid culpability for at least one of these. This accords with pre-theoretical intuition, which condemns those who don't vote as failing to carry out their civic duty. Those who do not bother to vote at all are more irresponsible than those who voted for either Acceptable or Great. Whether they are also more blameworthy than those who voted for Horrible may depend on just how bad Horrible is, and how apparent that badness should have been to anyone who did due research, and so on. Those who voted for Horrible with the sincere but misguided belief that Horrible was best will be open to moral censure insofar as they should have known better. At the same time, many such voters did at least try to carry out their civic duty, so to that extent we may reasonably think better of them than those who abstained. Still, if Horrible is bad enough and this is obvious enough, those who voted for Horrible will be more blameworthy than those who abstained.

There is a sense in which the analysis I have offered takes the relevant groups to be maximally inclusive. Putting Horrible voters to one side, I suggested that we include *all* those eligible voters who did not vote for Great when thinking about who is responsible, and to what degree, for Great's non-election, and mutatis mutandis for Acceptable's non-election. I suggested that this was justified because focusing on any proper subset of those people is arbitrary. This, though, leads to an objection. Why not include *all* the various groups who could have made the difference? In addition to the group composed of all the 16 million (non-Horrible) voters who did not vote for Acceptable, there is the group composed of all of those (non-Horrible voters) who did not vote for Acceptable and had a last name which began with a letter before M, and the group composed of all the (non-Horrible) voters who did not vote for Acceptable and had a zip-code whose last digit was odd. We could, after all, hold that *these* groups are responsible.

The problem with this wider approach is that it massively overestimates the responsibility of individuals. Any individual in the set of (non-Horrible) voters who did not vote for Acceptable will belong to a staggeringly large number of groups, each of which is a proper subset of that set which is large enough to have made the difference if they had voted for Acceptable. Of course, we could hold that each of those proper subsets is only *partially* responsible for the bad outcome, but it is not clear how we could apportion that accountability in a principled manner.

Moreover, this is clearly not how we think about more familiar cases with the same structure. Consider the following thought experiment:

> *Lifting*. A heavy object is slowly crushing someone to death on the beach. Several people are trying to save him by lifting the object, but those who are trying lack the collective strength to lift it. Several hundred other people are sunbathing nearby. If ten of these sunbathers helped lift the object, then the victim could be saved. Despite the pleas for help from those lifting the object, none of these people lifts a finger. The victim is crushed to death.

Intuitively, we would hold each of those who did not help responsible for the victim's death. There would be no intuitive support for focusing on the huge number of smaller groups of ten, each of which could have helped, assuming that all of those are equally well suited to the job. I am here putting to one side difference in abilities and differences arising from social roles (a lifeguard is more culpable than a sunbather).

However, thinking about this kind of example suggests another objection. Proportional is crucial to the proffered defence of the 'don't throw your vote away' intuition. It is only because each individual's culpability for some group crime is systematically inversely proportional to the total number of members of that group that the argument works—the point being that the group that voted for the unrealistic candidate will unsurprisingly be much smaller than the group that voted for the candidate with realistic winning chances. There are, of course, indefinitely many mathematical functions which can secure inverse proportionality of some form or other. However, it is not obvious how any mathematical function other than one which assigns equal shares of responsibility to each voter (all else equal) has intuitive support.

One worry I cannot address in detail here is that this approach seems to countenance a problematic form of moral luck. After all, it is a matter of luck which candidate wins, and someone who votes for the wrong candidate will be less blameworthy if that candidate loses than she would have been if that candidate had won. This can seem unjust, since the moral quality of the agent's will does not differ. This, though, is a familiar problem for many theories of moral responsibility and indeed common-sense morality. Such distinctions are part of ordinary practice, insofar as we both morally and legally distinguish attempted misdeeds from successful ones. To some extent, then, this is 'everyone's problem' and there is no obvious reason to think the moral luck countenanced here is any more troubling than the way in which we distinguish homicide from attempted homicide. I shall, however, note one possible way of mitigating the worry about moral luck specific to this context.

What I have in mind is the possibility of an appeal to the voter's *expected* culpability. So long as the voter was ex ante epistemically responsible in assessing the candidates' actual merits, and roughly estimating the expected culpability

associated with each of their possible votes, if they then vote such that their expected culpability is minimized, they have acted responsibly. The idea would be that having voted responsibly in this sense offers a kind of *excuse*, so that one will not actually be culpable even if one's expectations turn out to have been incorrect. Strictly speaking, then, the theory would need to be couched in terms of expected prima facie culpability, since someone with an excuse will not actually be culpable, all things considered. Since what it is rational for a voter to think the expected culpability of her various options is when she votes is not dependent on how things actually turn out in the election, this approach insulates the theory from the worry about moral luck. On the other hand, it does impose yet more burdens on citizens when voting, and it might thus make our civic duties 'too demanding'. I lack the space here to explore this line of argument in the detail it deserves. Here I simply plead that I am only tracing out the implications of the Goldman/Sartorio approach for the 'don't throw your vote away' debate, rather than actually defending that theory itself.

IV. VINDICATING DIVISIBILITY AND PROPORTIONALITY

I have offered a modest and conditional defence of the 'don't throw your vote away' intuition. The defence is modest and conditional in part because it just *assumes* that something like Goldman's or Sartorio's theory provides a good rationale for voting. However, the defence also assumes that Divisible and Proportional are both true. Are they?

Neither common-sense morality nor legal practice offers a simple verdict on Divisible and Proportional. In some cases, common sense firmly rejects Divisible. For example, suppose several people plot together to murder someone, and act in concert to kill that person by shooting him simultaneously as a firing squad. In that scenario, common-sense morality tends to view each member as fully liable for murder, rather than each bearing only $^1/n$ of the responsibility for the murder, where n equals the size of the group. Even here matters are complicated, since it might be that one bullet actually caused the person's death, and that might matter. The law has taken different views at different times. At one point, English law distinguished the accomplice who merely drove the car from the trigger man, allowing the former, but not the latter, to avail themselves of the defence of duress (murder is generally considered such a vile crime that duress is no defence). English courts later abandoned this distinction. In *Abbott vs The Queen,* the defendant held the victim down while she was repeatedly skewered with a sabre, and the court held that the causal contribution of the accomplice was not so different from that of the person doing the stabbing and refused the defence of duress to both.[30] In a case in which the person's death is caused only by the

[30]The case is discussed by Michael Moore in his 'Causation and responsibility', *Social Philosophy and Policy*, 16 (1999), 1–51, at p. 14. The case is *Abbot vs The Queen* [1976-3], All Eng. L. Rep. 140.

aggregate of all the shootings, we intuitively do not take the perpetrators' culpability to be diminished. Divisible and Proportional therefore seem not to hold in such cases. In general, common law rejects apportioned liability too.[31]

In other cases, common-sense morality and legal practice endorse Divisible and Proportional. Interestingly, common-sense morality seems most clearly sympathetic to these doctrines in cases involving *praiseworthiness* rather than blameworthiness. It is commonplace for people discussing team sports to emphasize that no one player 'deserves all the credit' for the team's success, a form of words which at least strongly suggests that praiseworthiness is a finite good which is divided among the players in proportion to their relative contribution. Other cases make this even clearer. Someone who makes a huge contribution to a worthy charity, 'Kickstarter' campaign, or beggar deserves more praise than someone who donates only pennies, even when the latter is part of a group who together donate just as much. Some areas of legal practice also favour Divisible and Proportional. The idea of apportioned liability is most common in cases of strict liability, but it can also be found in some areas of anti-trust and securities.[32] Interestingly, the law tracks a distinction between negligence, accidents, mistakes, or other unintentional violations of the law on the one hand, and deliberate criminal activity on the other, allowing apportioned liability in the former, but not the latter.[33]

Are common-sense morality and legal practice simply an arbitrary hodgepodge? No; it is not that hard to find a pragmatic rationale for these distinctions. Allowing for apportioned liability in the case of deliberate wrongdoing or criminal activity would generate a very problematic perverse incentive. Suppose you are thinking about committing a crime or doing something immoral for personal gain. If criminal sanctions or informal blame were divided between those who together commit such actions, then you would have a strong incentive to get enough other people to commit the misdeed in question with you, as a group. If the group is large enough, then the criminal sanctions or informal blame would be so diluted as to be negligible. This pragmatic argument does not work in the case of praiseworthiness. In that case, we might want to encourage people to compete to be more praiseworthy, and apportioning praiseworthiness is tailormade for this. Finally, the worry about perverse incentives is less pronounced in cases involving negligence, and so on. Insofar as the agent was not deliberately violating the law or a moral norm, they would not have been positioned to conspire to violate it with others.

Such pragmatic reasons might be fine in the case of determining how the law should function, but do they bear on when and to what extent people are morally responsible? This is a large topic I cannot adequately address here, but in my view

[31]Mario Rizzo and Frank Arnold, 'Causal apportionment in the law of torts: an economic theory', *Columbia Law Review,* 80 (1980), 1399–429, at p. 1400.
[32]Ibid., pp. 1399–400.
[33]Ibid., p. 1400.

a plausible account of moral responsibility can and should make sense of the relevance of such considerations. Certainly, it would not be surprising if our actual moral and legal practices were not shaped by such considerations, since practices which ignored perverse incentives would likely be weeded out over time. Common-sense judgements may not have the last word on these matters, but they do at least have the first word—something J. L. Austin famously said about ordinary language. Nor does the approach here imply that individual judgements of responsibility can be made on the basis of the utility of holding the person responsible. That really would be the wrong kind of reason. Rather, pragmatic considerations play a role only at another level, when we are determining what the general rules should be. Giving weight to pragmatic considerations at this level is not obviously objectionable. Contractualist theories like Scanlon's, and some forms of utilitarianism, make room for such appeals to the utility of our practices, while not allowing such appeals within the practice.[34] Modern theories of moral responsibility often make room for pragmatic considerations.[35]

I therefore provisionally conclude that Divisible and Proportional are prima facie plausible in cases not involving deliberate wrongdoing. For purposes of the argument developed in the preceding sections, this is good news. *Most* citizens who vote do not believe they are acting wrongly, much less know that they are. Even if such citizens are, in fact, blameworthy for their voting activities, here we typically have something much more like negligence than deliberate wrongdoing. For present purposes, then, Divisible and Proportional are as plausible as they ever are.

V. CONCLUSION

I will not here try to summarize all the twists and turns of the preceding arguments. I take myself to have shown that at least *one* of the dominant accounts of why one ought to vote in massive elections can make sense of the 'don't throw your vote away' intuition—an account relevantly like Goldman's or Sartorio's. The proposed justification of this intuitive idea does *not* entail that the 'don't throw your vote away' argument *always* carries the day. Its soundness depends on how great the gap is between the various candidates, how likely they are to win, and on how important (if at all) it is to 'send a message'. In some cases, it may turn out that a voter should vote for a hopeless candidate even given the proposed framework. If there is not much to choose between the two main candidates and they are both quite bad, then it may well be that the praiseworthiness derived from helping to 'send a message' to the dominant parties provides a sufficient reason to vote for a hopeless but clearly superior candidate.

[34]See T. M. Scanlon, *What We Owe to Each Other* (Cambridge, MA: Harvard University Press, 1998). The point about utilitarianism is famously made by John Rawls in his 'Two concepts of rules', *Philosophical Review*, 64 (1955), 3–32.

[35]See e.g. Manuel Vargas, *Building Better Beings* (Oxford: Oxford University Press, 2013).

I view this dependence on such facts as a virtue of the account rather than a vice. Ordinary people think there is a substantive debate to be had about the legitimacy of voting for such candidates, and that the empirical facts matter, and indeed seem intuitively to matter in very much the way the approach laid out here predicts it depends on them. Insofar as the account on offer provides a useful framework for such debates, but does not prejudge which side must be correct in any given election, that is a salutary result. This is an area in which the details in any given election should matter; we should resist a theory which deals in absolutes. Instead, we should prefer a theory which can explain how the reasons cited by reasonable citizens make sense and may have some weight, without prejudging which reasons prevail.

The theory developed here does this, while at the same time offering potentially practical advice to citizens who are trying to decide how to vote in elections, like a US presidential election, where they are tempted by some highly unrealistic third-party candidate. They should first figure out which of the theories on offer (there may be more than one, as they are not all inconsistent with one another) they think best captures their reason(s) to vote in the first place. They should then think clearly about how that theory bears on the concern about 'throwing their vote away'. If they endorse an approach like the one defended by Goldman or Sartorio, then this worry *may* have some purchase, but this will depend on the relevant empirical facts. In particular, the would-be voter should try to determine the expected prima facie culpability associated with each of their possible votes and then vote accordingly, unless they think they have countervailing reasons (for example, as issuing from the expressive theory) which are even stronger than the reasons provided by avoiding complicity in problematic collective actions. This will not make the decision of how to vote easy, but then such decisions are not easy in any event. The account developed here does at least provide citizens with a rational *structure* within which to conduct their deliberations—hopefully a structure which transcends the glib use of slogans and pejoratives which seem so easily to dominate discussions of this issue on social media, in conversation, editorials, and in well-intentioned 'get out the vote' campaign propaganda.